

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BOBBIE CLEAVLAND

Plaintiff,

v.

FIDELITY & GUARANTY LIFE
INSURANCE COMPANY/
OLD MUTUAL FINANCIAL
NETWORK, ALVERTIS DIXON, et al.

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CV-02:05CV655-W

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on September 7, 2005 via teleconference and was attended by:

Terry G. Key for plaintiff

Forrest S. Latta for Defendant Fidelity & Guaranty Life Ins. Co.

2. **PRE-DISCOVERY DISCLOSURES.** The parties will exchange by **October 7, 2005** the information required by Federal Rule of Civil Procedure 26(a)(1).

3. **DISCOVERY PLAN.** The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

- i. The existence of a valid in force insurance contract.
- ii. The existence of a debatable reason for Fidelity declining payment of plaintiff's claim for life insurance benefits.

All discovery commenced in time to be completed **April 7, 2006**.

Maximum of 30 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 30 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 30 requests for production by each party to any other party. Responses due 30 days after service.

Maximum of 10 depositions by Plaintiffs and 10 depositions by Defendant.

Each deposition limited to a maximum of 4 hours unless extended by agreement of the parties, except for the parties' depositions.

Reports from retained experts under Rule 26(a)(2) due:

From Plaintiffs by **January 9, 2006**.

From Defendant by **January 23, 2006**.

Supplementations under Rule 26(e) due within 14 days of discovering the need for supplementation.

4. **OTHER ITEMS.**

The parties do not request a conference with the Court before entry of the Scheduling Order.

The parties request a pretrial conference in **August 8, 2006**.

The parties allowed until **November 7, 2005** to join additional parties and to amend the pleadings.

All potentially dispositive motions should be filed by **May 8, 2006**.

Settlement may be enhanced by the Court's ADR process, but cannot be evaluated at this time.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

From Plaintiffs 30 days prior to trial-ready date.

From Defendant 20 days prior to trial-ready date.

Parties should have 10 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by **September 7, 2006** and at this time is expected to take approximately two days.

/s/ Chad C. Marchand
FORREST S. LATTA (LATTF0526)
CHAD C. MARCHAND (MARCC5089)
Attorneys for Defendant
Fidelity & Guaranty Life Insurance Company/
Old Mutual Financial Network

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to participating parties; and, I also hereby certify that I have served:

Terry G. Key, attorney for plaintiff

I also hereby certify that I have mailed the foregoing documents by United States Postal Service of Pro Se party, *Alvertis Dixon, 3725 Quenby Drive, Montgomery, Alabama 36116-0000*.

_____/s/ Chad C. Marchand